

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

In Re Paul Wojciechowski )  
 ) 16-42442  
and ) Ch 13  
Mary Wojciechowski ) October 13, 2016  
Debtors )

Creditor Susan Mello and Susan H Mello LLC's Supplemental Objection to Plan  
Supplemental Objection

Comes now Creditor and for the Supplemental Objection adds that the undersigned  
learned only since the filing of the most recent Objection that in addition to the other issues

1. As the filed claim for the GAL shows Elaine Pudlowski received the following payments from  
Debtors in 2016: 2/2/16 \$100; 3/3/16 \$100; 4/4/16 \$100; and 5/2/16 \$100.

This is further confirmed the September 15 2016 schedules prepared by Angela  
Redden-Jansen were further false where they show \$1500 as due Elaine Pudlowski and  
show that amount being paid out of the Plan where all that is currently due is \$912.

It is either a preference or a DSO that as to the \$100/mo payments needs to be paid  
before any confirmation

2/ As the 2012 consent divorce shows, it was not just the GAL and second  
and first mortgage that are a DSO but the student loans and Capital One account in his name  
where also under a hold harmless agreement such they too might be a DSO where the  
payments as coming due would be post petition payments that would have to be paid  
before there can be confirmation.

3/ As in the filed copy of the document from the creditors meeting, not only did the debtors falsely claim there were 4 children who reside with him but admitted a tax refund was \$72xx was received in 2.16 that they allegedly spent it on bills and household goods .

It is submitted this further confirms a lack of good faith where if it was for old bills the payments should have been listed as a preference and if for \$7xxx in new household goods would seem to be an improper pre filing spending spree .on new household goods then the goods should have been listed .

This is especially so where:

A There do not seem to be any \$7000 in new goods shown on any schedule;

B He had just received the benefit of the \$12,000 plus settlement in December 2015 the undersigned obtained and as such had funds for bills,

C In January -February 2016,, when the claimed health insurance was \$400/mo would not have had any out of pocket medical expenses for the children where under the decree would owe his one half only after the former wife paid \$250/ per child/ year .

D Their regular income was sufficient to pay their reasonable regular bills and the payments plans they had entered into

GAL \$100/mo

PFC \$125/mo

The undersigned \$300/mo

4/ The debtors filings are further contrary to his May 2015 deposition where in the sworn information he provided to third parties he testified :

A The Matrix credit card bill he still lists, he testified in May 2015 was \$300 and being paid at \$60/mo where by November 2015 it would have been paid

B. He had rental income from 2013 to May 2015 of \$850/mo and the payment of utilities . This should have been included on the tax return and on the schedules .

Even if he has some deductions . it was a false statement of his 2015 income and meant

the returns he provided were themselves in bad faith and not accurate and not reliable . At a minimum, it is part of the totality of false information and claims by debtors.

5/The undersigned further submits the claim of Ms Redden-Jansen to seek to be paid fees for the adversary out of the plan is improper and should not be allowed . The undersigned understand the Trustee objected to same as well.

It is the understanding of the undersigned that such fees can be paid out of the plan only if not objected to and if they are reasonable and benefit the entire estate.

Here there is substantial basis to object to same and find they were not and are not reasonable ( counsel having failed to provide any fee agreement, and fee bills and instead in August when same was sought in a then prepared subpoena represented as if it was a fixed fee )and would not benefit the entire estate .

The undersigned understands as in In re Boddy , 950 F.2d 334 (6th Cir. Ky. 1991), the approach as in Pennsylvania v. Delaware Valley Citizens Council for Clean Air, 483 U.S. 711, 97 L. Ed. 2d 585, 107 S. Ct. 3078 (1987) is to be used .In re Moore , 2012 Bankr. LEXIS 4581 (Bankr. N.D. Ohio Sept. 27, 2012) .

The undersigned understands the rule is also fees are not to be paid out of the estate if benefit only insiders instead of the estate . In Re Sullivan's Estate 226 BR 624( BAP 8th cir 1998) . There has to be a reasonable likelihood of benefiting the estate at the time undertaken. In Re Miller Group Inc 521 BR 323 , 327 ( Bankr WD Mo) aff'd 536 BR 829 ( BAP 8th Cir 2015) . This is in addition to disgorging any fee as in In re Pigg , \_\_\_ BR \_\_\_ )Bankr WD MO 2015

This is especially so where debtor counsel sought to fight against discovery and had to be ordered more than twice to respond to discovery, she made known false claims in the Answer ( as

detailed in the Motion for summary judgment and the exhibits); she sought in the pre trial submission to demand known false claims (contrary to court judgments, her own exhibits and even his own May 2015 testimony and repeatedly wasted time in her own self interest, none of which was reasonable, or had any reasonable likelihood to benefit the estate..

Instead what will help the entire estate is to have Mr. Wojciechowski on the stand, impeach his credibility, obtain a finding of his bad faith and intentional false statements to the undersigned and then use same to have the main case dismissed so all of the Wojciechowski creditors can sue them and be paid

Wherefore for these reasons as well the Plan should not be approved .

Respectfully submitted

BY /s/ Susan H Mello

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Certificate of service

The undersigned confirms to the best of her knowledge on 9/16//16 those eserved with this documents via the Court's CM/ECF system on the \_11\_ day of \_October\_ 2016 are all necessary parties /s/ Susan H Mello